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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

FRENEL, VANEL

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/581,815	Applicant(s) GANDOLPH ET AL.	
	Examiner VANEL FRENEL	Art Unit 3687	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 October 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6,9 and 11-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 11-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Notice to Applicant

1. This communication is in response to the Amendment filed on 10/26/08. Claims 1-6, 9, 11-12 have been amended. Claims 13-14 have been newly added. Claims 1-6, 9 and 11-14 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1-6, 9 and 11-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gordon et al. (2002/0013944) in view of Dinallo et al. (5,929,857).

As per claim 1, Gordon discloses a method for generating an interactive electronic menu on a display, the menu comprising menu buttons wherein a menu button may be in a deselected, selected or activated state, and the menu being coded into a menu data segment-comprising: retrieving a data segment having encoded therein at least data for a first and a second menu button and data connecting the first and the second button by a parent-child relationship, wherein the second menu button being a child of the first menu button can only be selected when the first menu button is selected (See Gordon, Figs. 5-6; Page 5, Paragraphs 0047-0049); and, wherein at least one button command is associated to the first menu button and coded into said menu

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data segment, the button command being usable for modifying a visibility of at least the second menu button (See Gordon, Figs.5-6; Page 4, Paragraphs 0036-0038).

Gordon does not explicitly disclose generating the interactive menu on a display, wherein at least the first menu button but not the second menu is displayed; and upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously.

However, this feature is known in the art, as evidenced by Dinallo. In particular, Dinallo suggests that generating the interactive menu on a display, wherein at least the first menu button but not the second menu is displayed (See Dinallo, Figs.4-7; Col.8, lines 12-67; Col.9, lines 17-67); and upon selection of the first menu button and execution of said button command, modifying said interactive menu such that the first and the second menu button are displayed simultaneously (See Dinallo, Figs.4-7; Col.8, lines 12-67; Col.9, lines 17-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Dinallo within the system of Gordon with the motivation of providing a DVD system includes a graphic user interface which is constructed during information playback from commands and attributes extracted from the DVD data stream. In particular, the extracted commands are presented to an intelligent DVD browser engine which gathers information about the shape and location of a user menu from the navigation data in the DVD data stream. The browser engine operates with a database containing sets of predefined images which depict controls,

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buttons and other graphic images that form part of the user menu (See Dinallo, Col.3, lines 24-33).

As per claim 2, Gordon discloses method wherein the second menu item is only visible when the first menu button is in the selected state (See Gordon, Page 4, Paragraphs 0037-0039).

As per claim 3, Gordon discloses method wherein the second menu button is not selectable (See Gordon, Page 5, Paragraph 0046).

As per claim 4, Gordon discloses method wherein the menu data segment contains at least for the first and the second menu button neighbour information, the neighbour information defining which other menu button may be selected when said first or second menu button is in the selected state (See Gordon, Page 5, Paragraphs 0043-0045).

As per claim 5, Gordon discloses method wherein the menu relates to the content of a removable storage medium, and the menu data segment is stored on the respective removable storage medium (See Gordon, Fig.4; Page 2, Paragraphs 0026-0027).

As per claim 6, Gordon discloses method wherein said other menu data item and is also coded into said menu data wherein the visibility also comprises the colour look-up table relating to a menu item (See Gordon, Page 3, Paragraphs 0032-0038).

As per claim 9, Gordon discloses method wherein a third menu button is connected to the second menu button by a parent-child relationship, wherein the third menu button being a child of the second menu button can only be selected when the second menu button is selected, and wherein the first, the second, and the third menu button are coded into the same data segment (See Gordon, Page 5, Paragraphs 0047-0049).

As per claim 11, Gordon discloses method wherein the parent-child relationship within the menu data segment is indicated by a unidirectional or bi-directional link or identifier being retrieving from the menu data segment (See Gordon, Page 4, Paragraph 0041).

As per claim 12, Gordon discloses apparatus for generating an interactive electronic menu on a display, the menu comprising menu buttons, wherein a menu button may be in a deselected, selected or activated state, and the menu being coded into a menu data segment, comprising: means for retrieving a data segment having encoded therein at least data for a first and a second menu button and data connecting the first and the second menu button by a parent-child relationship, wherein the second

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menu button being a child of the first menu item can only be selected when the first menu button is selected (See Gordon, Page 5, Paragraphs 0043-0048); and

, wherein at least one button command is associated to the first menu button and coded into said menu data segment (See Gordon, Page Fi,qs.5-6; Page 4, Paragraphs 0036-0038); and means for modifying a visibility of at least the second menu button (See Gordon, Fi,qs.5-6; Page 4, Paragraphs 0036-0038).

Gordon does not explicitly disclose means for generating the interactive menu on a display, wherein at least the first menu button but not the second menu is displayed; and means for modifying said interactive menu, upon selection of the first menu button and execution of said button command, such that the first and the second menu button are displayed simultaneously.

However, this feature is known in the art, as evidenced by Dinallo. In particular, Dinallo suggests that means for generating the interactive menu on a display, wherein at least the first menu button but not the second menu is displayed (See Dinallo, Figs.4-7; Col.8, lines 12-67; Col.9, lines 17-67); and means for modifying said interactive menu, upon selection of the first menu button and execution of said button command, such that the first and the second menu button are displayed simultaneously (See Dinallo; Figs.4-7; Col.8, lines 12-67; Col.9, lines 17-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to have included the feature of Dinallo within the system of Gordon with the motivation of providing a DVD system includes a graphic user interface which is constructed during information playback from commands and attributes extracted from

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the DVD data stream. In particular, the extracted commands are presented to an intelligent DVD browser engine which gathers information about the shape and location of a user menu from the navigation data in the DVD data stream. The browser engine operates with a database containing sets of predefined images which depict controls, buttons and other graphic images that form part of the user menu (See Dinallo, Col.3, lines 24-33).

As per claim 13, Dinallo discloses apparatus wherein the second menu button is rendered as a new graphic element on the display, wherein the newly rendered button supersedes and erases all other buttons rendered before on the same display position and wherein the remainder of the display is not re-rendered (See Dinallo; Figs.4-7; Col.8, lines 12-67; Col.9, lines 17-67).

As per claim 14, Dinallo discloses apparatus wherein the second menu button is rendered as a new graphic element on the display, wherein the newly rendered button supersedes and erases all other buttons rendered before on the same display position and wherein the remainder of the display is not re-rendered (See Dinallo; Figs.4-7; Col.8, lines 12-67; Col.9, lines 17-67).

Response to Arguments

4. Applicant's arguments filed on 10/26/08 with respect to claims 1-6, 9 and 11-14 have been considered but are moot in view of the new ground(s) of rejection.

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5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Conclusion

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited but not the applied art teaches system and data management and on-demand rental and purchase of digital data products (2003/0040962).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to VANEL FRENEL whose telephone number is (571)272-6769. The examiner can normally be reached on 6:30am-5:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Matthew S. Gart can be reached on 571-272-3955. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Vanel Frenel/

Examiner, Art Unit 3687

December 28, 2008

/Matthew S Gart/

Supervisory Patent Examiner, Art Unit 3687